

HOUSE No. 876

By Ms. Peisch of Wellesley, petition of Alice Hanlon Peisch and others relative to the administration of the Trial Court. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Alice Hanlon Peisch	Barbara A. L'Italien
J. Donald Monan	Michael E. Festa

In the Year Two Thousand and Five.

AN ACT IMPROVING THE ADMINISTRATION OF THE JUDICIAL BRANCH BY IMPLEMENTATION OF CERTAIN RECOMMENDATIONS OF THE MONAN COMMITTEE, SO-CALLED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 211B of the General Laws is hereby
2 amended by striking out the title and inserting in place thereof the
3 following title: "ADMINISTRATION OF THE JUDICIAL
4 DEPARTMENT".

1 SECTION 2. Section 1 of said chapter 211B, as so appearing,
2 is hereby amended by striking out, in line 6, the words "a chief
3 justice for administration and management" and inserting in place
4 thereof the following words: "chief administrator".

1 SECTION 3. Section 4 of said chapter 211B, as so appearing,
2 is hereby amended by striking out, in paragraph 3, the words
3 "chief administrative justice" and inserting in place thereof the
4 following words: "chief administrator."

1 SECTION 4. Section 5 of said chapter 211B, as so appearing, is
2 hereby amended by striking out, in line 6, the words "for adminis-
3 tration and management" and inserting in place thereof the

4 following words: “of the supreme judicial court, with the approval
5 of a majority of that court”.

1 SECTION 5. Said section 5 of said chapter 211B, as so
2 appearing, is hereby further amended by striking out, in lines 10
3 and 11, the words “for administration and management” and
4 inserting in place thereof the following words: “of the supreme
5 judicial court, with the approval of a majority of that court,”.

1 SECTION 6. Said chapter 211B is hereby amended by striking
2 out section 6 and inserting in place thereof the following section:

3 Section 6. (a) There shall be a chief administrator of the courts,
4 in this chapter called the administrator, who may but need not be a
5 justice of the trial court departments, and who shall be selected
6 and may be removed by the chief justice of the supreme judicial
7 court, subject to the approval of a majority of the supreme judicial
8 court.

9 (b) The administrator shall, in addition to his or her duties
10 provided in section nine of chapter two hundred eleven B,

11 (1) set the direction and provide leadership for improving the
12 quality of justice and advancing its consistent, independent,
13 impartial, and accessible administration on behalf of the public
14 and the trial court departments;

15 (2) establish policies and set priorities for the trial courts.
16 The administrator may seek advice and recommendations from the
17 judicial council established by section thirty-four A of chapter two
18 hundred twenty-one;

19 (3) make a comprehensive survey of the condition of business
20 in the courts of the commonwealth and shall submit suggestions
21 and recommendations to the various courts to promote uniformity
22 of management procedures and the expeditious conduct of court
23 business;

24 (4) carry on a continuous study of the operation and effect of
25 the general rules of practice and procedure now or later in use in
26 the commonwealth, and make recommendations for changes in
27 and additions to those rules to the supreme judicial court as the
28 administrator may consider desirable to promote simplicity in pro-
29 cedure, fairness in administration, the just determination of litiga-
30 tion, and the elimination of unjustifiable expense and delay; and

31 (5) develop and implement, in coordination with the supreme
32 judicial court, policies to achieve the following goals:
33 Efficient and fair distribution of resources within the judicial
34 branch;
35 the institutional independence of the judiciary as a separate
36 branch of government with the resources necessary for its support
37 and the independence and impartiality of judicial decision-
38 making;
39 the modernization and improvement of judicial administration
40 practices;
41 fair, courteous, and responsive service in all courts; and
42 judicial excellence through promotion of judicial education and
43 professional development.

1 SECTION 7. Section 12 of said chapter 211B is hereby
2 repealed.

1 SECTION 8. All powers, duties and functions of the chief jus-
2 tice for administration and management, including but not limited
3 to those in section 9 of chapter 211B, shall be transferred to the
4 chief administrator of the courts on the effective date of this act.